



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Branch
CEPOA-CO-R
Post Office Box 6898
Elmendorf AFB, Alaska 99506-0898

PUBLIC NOTICE DATE: July 20, 2006
EXPIRATION DATE: August 21, 2006
REFERENCE NUMBER: POA-1994-107-M
WATERWAY: Keene Channel

- AFTER-THE-FACT -

Interested parties are hereby notified that an application has been received for a Department of the Army (DA) permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Mr. Harold Medalen, P.O. Box 821, Petersburg, Alaska 99833-0821.

LOCATION: The proposed project is located within Section 6, T. 61 S., R. 80 E., Copper River Meridian; Latitude 56.6081° N., Longitude 132.9943° W.; Lot 16, Block 1, Keene Channel Subdivision; on Kupreanof Island south of Petersburg, Alaska.

PURPOSE: To provide access to property from Keene Channel, and to provide moorage for boats and floatplanes.

WORK: Retain nine (9) piles and 350 feet of an attached 6-foot wide access pier; to install six (6) additional piles (for a total of 15 piles); to construct 50 additional feet of 6-foot wide access pier; and to install a 10-foot wide by 90-foot long floating dock. An existing 30-foot by 80-foot floating dock would be removed. These structures and this work would be in navigable waters of the U.S.

ADDITIONAL INFORMATION: On 5 April 1995 a DA permit was issued to Mr. Medalen to install a 30-foot by 80-foot floating dock secured with four (4) 2,500 pound anchors; later remove the anchors and drive 23 piles for securing the floating dock; and install a 6-foot by 600-foot floating access pier. The purpose of the work was to provide access to property and for boat and floatplane moorage. The authorization also noted that the floating dock and access pier would provide moorage for the public. General Condition 1 of the DA authorization specified that the time limit for completing the work ended on February 29, 1998.

The 30-foot by 80-foot floating dock was anchored shortly after the DA authorization was issued. A double string of boom sticks was later installed as a temporary access pier to the floating dock.

In April 2006 nine (9) piles were driven. A 6-foot wide by 350-foot long access pier was secured to these piles, along with the existing floating dock. The DA authorization had expired eight (8) years before this work was undertaken. A Notice of Non-Compliance was issued to Mr. Medalen. An application for an after-the-fact permit was received on June 28, 2006.

MITIGATION: The proposed pier would be 200 feet shorter and would require eight (8) fewer piles than what was originally authorized.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification. The State of Alaska issued a Conclusive Consistency Determination for the previously-authorized action on May 25, 1994 (State I.D. No. AK9403-11JJ).

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) was consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: Keene Channel is within the known or historic range of the Steller sea lion (*Eumetopias jubatus*) (eastern stock) and the endangered humpback whale (*Megaptera novaeangliae*). The project is not identified as designated or proposed critical habitat for either listed species. There are no Steller sea lion rookeries or haul out areas near the project site. The pile-supported structures would extend into water to a depth of less than 12 feet deep, and is not optimal habitat for humpback whales. Consequently, it has been determined that the proposed activity would not affect any listed or proposed threatened or endangered species, or their designated or proposed critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated

federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate Essential Fish Habitat (EFH) area as identified by the National Marine Fisheries Service (NMFS). Tongass Narrows in the vicinity of the proposed project is identified as EFH for a number of species of groundfish and salmon. We have determined that the proposed activity may adversely affect approximately 0.076 acre of EFH for juvenile and adult salmon and groundfish during construction, and as a result of shade created by the proposed structure. This Public Notice initiates consultation requirements with the NMFS under the MSFCMA. We have insufficient information at this time to assess the cumulative effects of the proposed work on EFH, but cumulative effects will be considered in our final assessment of the described work. Any conservation recommendations regarding EFH for federally managed fish will also be considered in our final assessment of the described work. This proposed project may also adversely affect associated species such as major prey or predator species which are not covered by Fishery Management Plans.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Ms. Robin Leighty at

(907) 753-2712, toll free from within Alaska at (800) 478-2712, or by email at robin.l.leighy@poa02.usace.army.mil if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Perform work in or affecting navigable waters of the United States -
Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

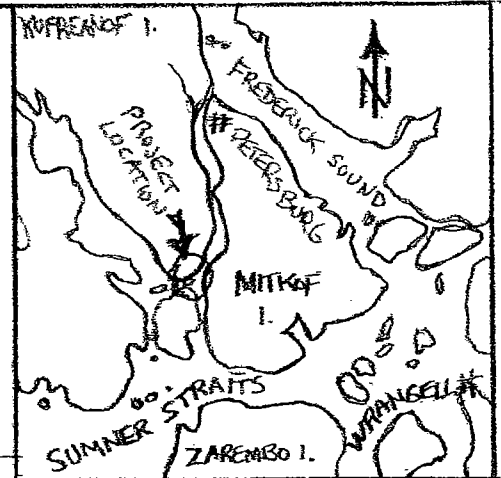
A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

Attachments

VICINITY MAP

INFORMATION FROM U.S.G.S.
PETERSBURG C-3, AND
No. 5, CHART 17375,
WRANGELL NARROWS



KUPREANOF
ISLAND

1

LOT 16, BLOCK 1
KEENE CHANNEL
SUBDIVISION
ASLS 81-8

12

BIG SALTARY
ISLAND

BEECHER

13

WOE WODSKI

R79E
R80E

PT HUMBUG

PROJECT SITE

MAIN BOAT PASSAGE

KEENE CHANNEL

PASS

INLET PT

18

KEENE I.

COPY REEF

SPINE ROCK

NARROWS

TWIN CHANNEL

BURNT I.

MITKOF
ISLAND

8

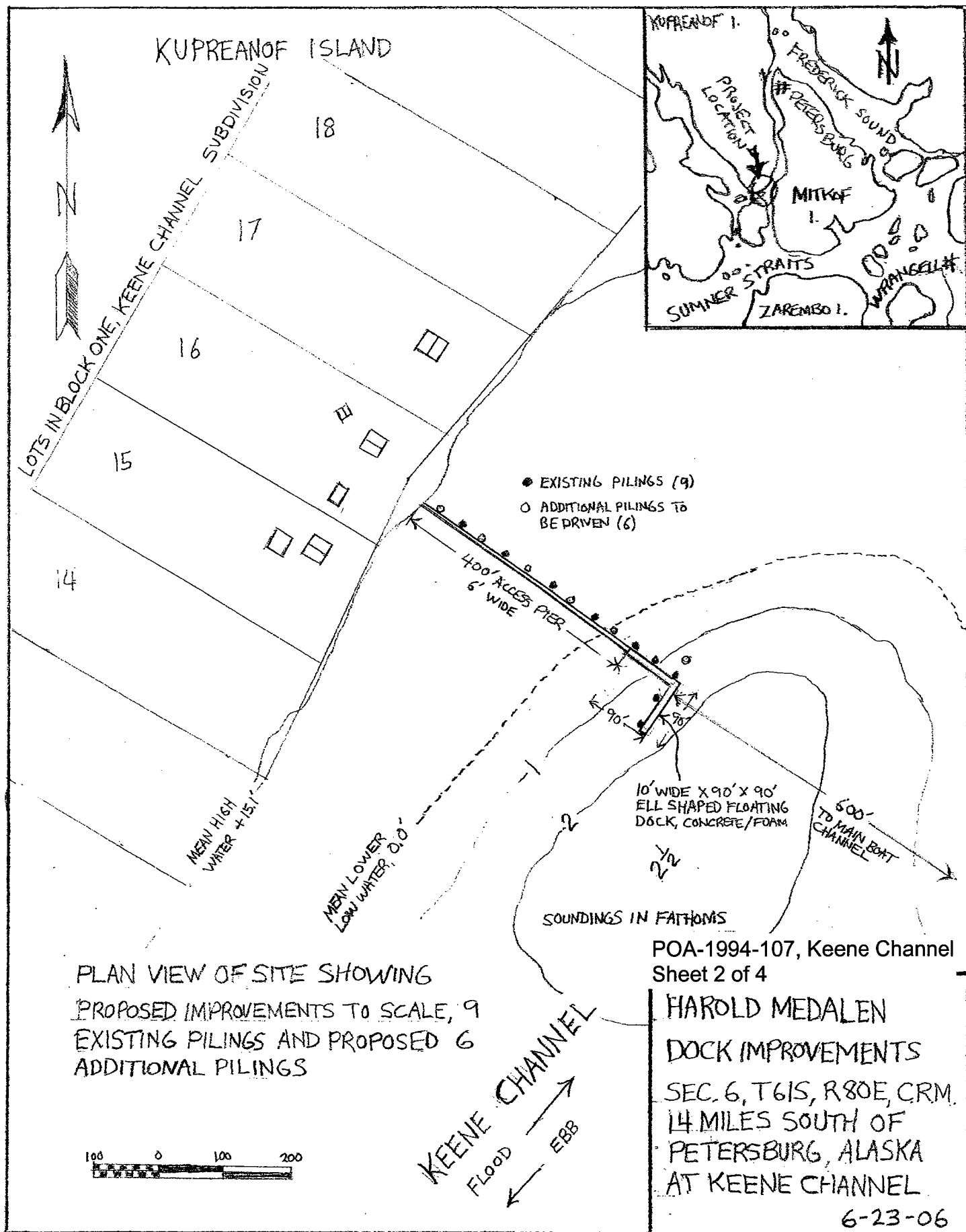
POA-1994-107, Keene Channel
Sheet 1 of 4

HAROLD MEDALEN

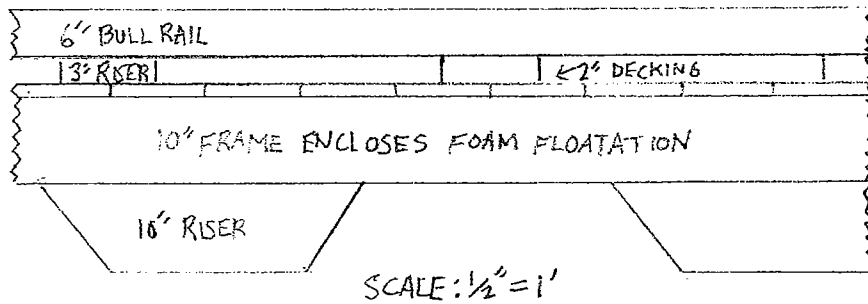
DOCK IMPROVEMENTS

SEC. 6, T61S, R80E, GRM.
14 MILES SOUTH OF
PETERSBURG, ALASKA
AT KEENE CHANNEL

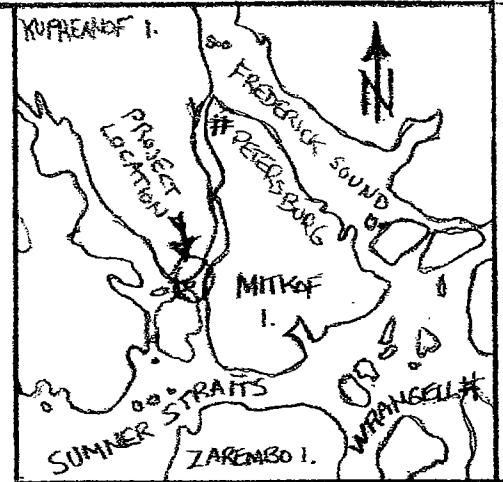
6-23-06



SECTION A-A, TYPICAL PIER SECTION, PROFILE

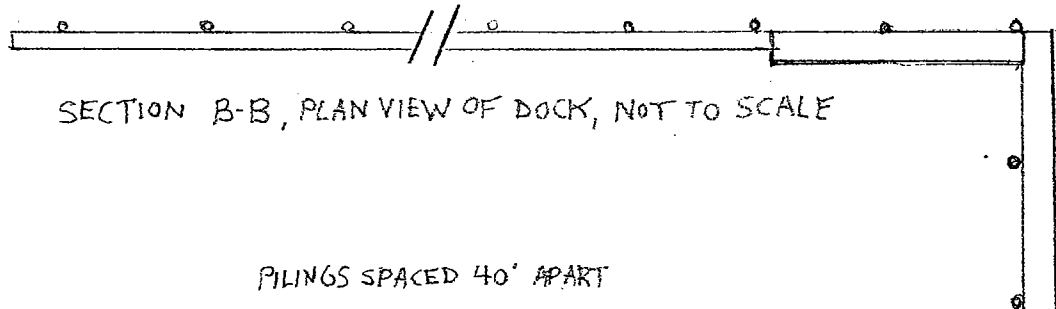


PIER SECTIONS TO BE CONSTRUCTED OF TREATED LUMBER, WITH GALVANIZED HARDWARE AND STYRO FOAM FLOATATION. 10' RISERS ON 8' CENTERS ENCLOSE ADDITIONAL FOAM FLOATATION AND SERVE TO HOLD THE MAJORITY OF THE PIER OFF THE BEACH AT LOW WATER, MINIMIZING THE GROUNDING FOOTPRINT. THE ACCESS PIER WILL EXTEND 400', FROM MEAN HIGH WATER TO BEYOND MEAN LOWER LOW WATER, WHERE IT WILL CONNECT TO A 10' WIDE X 90' X 90' ELL SHAPED FLOATING DOCK



DISTANCE FROM FACE OF DOCK TO MAIN BOAT PASSAGE THROUGH KEENE CHANNEL IS APPROXIMATELY 600'

SECTION B-B, PLAN VIEW OF DOCK, NOT TO SCALE



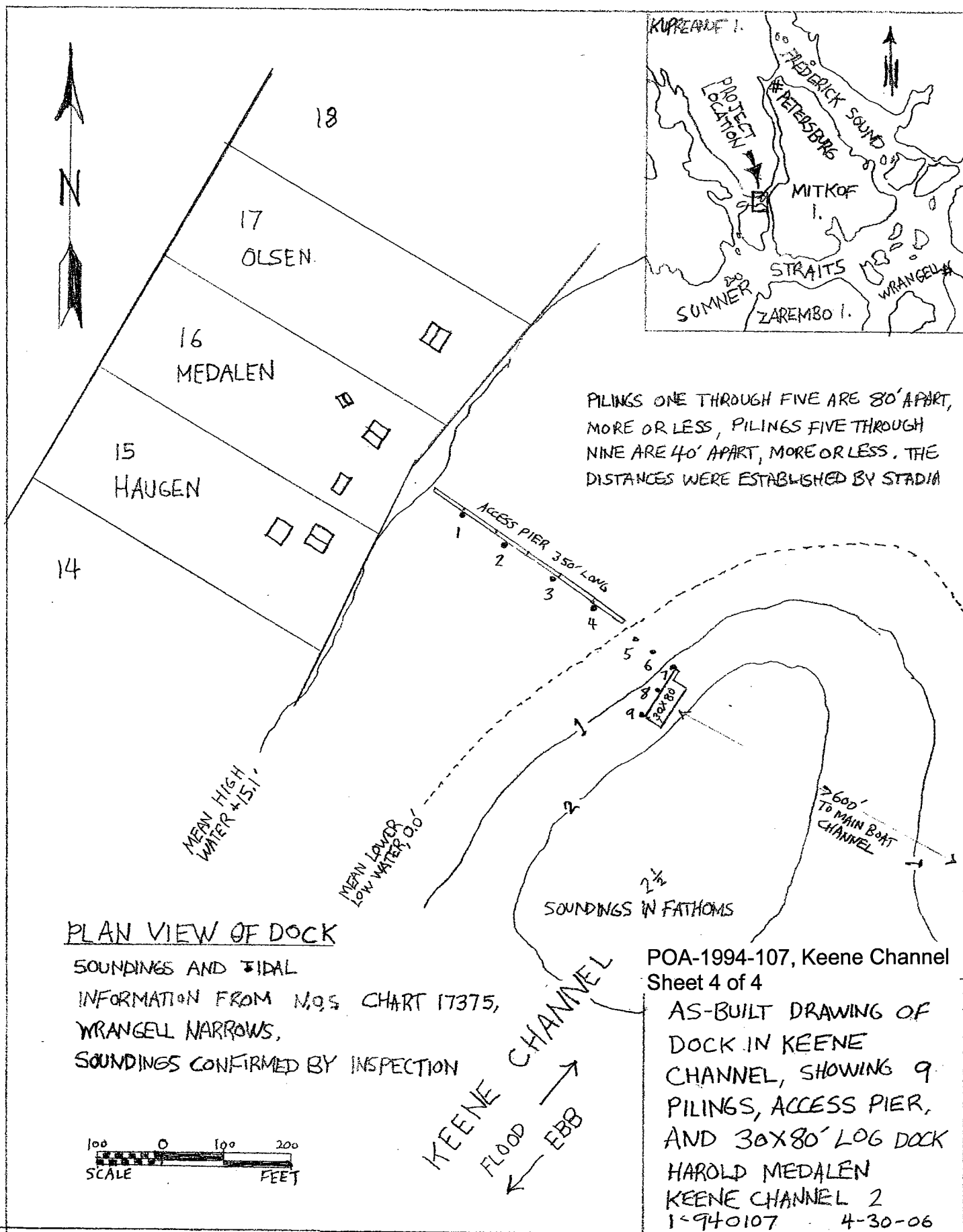
15.1' M.H.W.
65'
0.0' M.L.L.W.

DEPTH AT DOCK FACE 2 FATHOMS AT MEAN LOWER LOW WATER

SECTION C-C, PROFILE VIEW OF DOCK NOT TO SCALE

10' WIDE BY 90' X 90' ELL SHAPED FLOATING DOCK WILL BE COMMERCIALY MANUFACTURED CONCRETE FLOAT SECTIONS WITH INTERNAL FOAM FLOATATION. INDIVIDUAL FLOAT SECTIONS WILL BE CONNECTED WITH TREATED LUMBER, USING GALVANIZED HARDWARE

HAROLD MEDALEN
DOCK IMPROVEMENTS
SEC. 6, T. 61S, R. 80E, C. 1M.
14 MILES SOUTH OF
PETERSBURG, ALASKA
AT KEENE CHANNEL



STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No **POA-1994-107-M, Keene Channel**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation
WQM/401 Certification
410 Willoughby Avenue
Juneau, Alaska 99801-1795
Telephone: (907) 465-5321
FAX: (907) 465-5274

FRANK H. MURKOWSKI, GOVERNOR

STATE OF ALASKA

OFFICE OF THE GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING**

OFFICE OF PROJECT MANAGEMENT AND PERMITTING
302 GOLD STREET, SUITE 202
JUNEAU, ALASKA 99801-1127
PHONE: (907) 465-3562/FAX: (907) 465-3075

**NOTICE OF APPLICATION
FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No **POA-1994-107-M, Keene Channel**, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Office of Project Management and Permitting. For information about this consistency review, contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.